

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 559 of 1998

in

SPECIAL CIVIL APPLICATION No 5386 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH and  
MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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COMMISSIONER OF POLICE

Versus

BHUPENDRA ISHWARBHAI CHUNARA (VAGHRI)

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Appearance:

Mr. P.G.Desai, GOVERNMENT PLEADER for Appellant  
Ms. Banna Dutta, for the respondent.

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CORAM : MR.JUSTICE M.S.PARIKH and  
MR.JUSTICE A.K.TRIVEDI

Date of decision: 17/03/99

ORAL JUDGEMENT

Rule. Service of rule is waived by Ms. Banna Dutta, ld. Advocate for the respondent.

Heard Mr. P.G. Desai, learned Govt. Pleader for the appellant-State.

The respondent herein brought under challenge the legality and validity of his detention order dated 10th July, 1997 passed by the detaining authority under Section 3(i) of the Gujarat(Prevention of Antisocial Activities) Act, 1985 ("PASA" for short) in Special Civil Application no.5386/97. Upon hearing of the said writ petition the learned Single Judge of this Court by his decision dated 1st December, 1997 allowed the said Special Civil Application making rule absolute. That is how the State is before this Court in this Letters Patent Appeal. We notice from the facts that the detention was executed on 10th July, 1997 itself. It would thus clearly appear that the maximum statutory period of preventive detention has been over as on today. It is therefore clear that this Letters Patent Appeal has become infructuous by passage of time. The questions which have been sought to be agitated in this Letters Patent Appeal have been rendered academic. We need not proceed to deal with such questions. Hence this Letters Patent Appeal is dismissed as having become infructuous. Rule is discharged.

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stanley-msp.